

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EMPLOYEE PAINTERS WELFARE TRUST,
 et al.,

 Plaintiff,
 vs.
 ATLAS PAINTING & DRYWALL, LLC, et al.,
 Defendants.

Case No. 2:09-cv-02208-RCJ-PAL

ORDER

(Mtn to Withdraw - Dkt. #41)

This matter is before the court on the Motion to Withdraw as Counsel of Record For Plaintiff (Dkt. #14) filed September 16, 2010. Keith E. Gregory seeks to withdraw as counsel for Defendants Atlas Painting & Drywall, LLC; Atlas Building & Development, LLC; Audra Marie Tubin; Keith Tubin; Ernest R. Cortez, Jr.; Kathryn Mac; Travelers Casualty & Surety Co. of America; and International Fidelity Insurance Company ("Defendants"). The Motion represents that communications between counsel and Defendants has become tense and unproductive due to Defendants' failure to pay for services rendered and communicate with counsel. Local Rule IA 10-6 provides that "no withdrawal . . . shall be approved if delay of discovery, the trial or any hearing in the case would result." The Complaint (Dkt. #1) was filed on November 18, 2009. There is currently a pending Motion for Summary Judgment (Dkt. #42). Trial in this matter is set for January 10, 2011. *See* Dkt. #39.

Having reviewed and considered the matter, and for good cause shown,

IT IS ORDERED:

1. The Motion to Withdraw as Counsel of Record (Dkt. #41) is GRANTED.
2. Defendants Audra Marie Tubin, Keith Tubin, Ernest R. Cortez, Jr., and Kathryn Mack shall have until **December 6, 2010**, in which to retain new counsel who shall file a notice

of appearance in accordance with the Local Rules of Practice or to file a statement that they will be proceeding *pro se*, i.e., representing themselves.

3. Because Defendants Atlas Painting & Drywall, LLC; Atlas Building & Development, LLC; Travelers Casualty & Surety Co. of America; and International Fidelity Insurance Company are all corporations, they may not appear except through counsel. *See Rowland v. California Men's Colony*, 506 U.S. 194, 201-02 (1993); *United States v. High Country Broadcasting Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir. 1993). Accordingly, these Defendants shall have until **December 6, 2010**, in which to retain new counsel who shall file a notice of appearance in accordance with the Local Rules of Practice.
4. Failure to comply with this order may result in a recommendation to the District Judge for sanctions, including case-dispositive sanctions.
5. The Clerk of Court shall mail a copy of this Order on Defendants at the following addresses:

Atlas Painting & Drywall
242 Brook Hollow Court
Henderson, NV 89074

Atlas Building & Development
3125 W. AliBaba, Suite 704
Las Vegas, NV 89118

Audra Marie Tubin
242 Brook Hollow Court
Henderson, NV 89074

Keith Tubin
242 Brook Hollow Court
Henderson, NV 89074


Ernest R. Cortez, Jr.
9733 Terrace Green
Las Vegas, NV 89117

Kathryn Mack
246 Polar Morn Place
Henderson, Nevada 89074

Travelers Casualty & Surety Co. of America
Attn: Stephen Gillette
770 Pennsylvania Dr., Suite 110
Exton, PA 19341

International Fidelity Insurance Company
Attn: Tiffany Schaak
Senior Claims Counsel
1055 NW Maple Street, Suite 102
Issaquah, WA 98027

Dated this 8th day of November, 2010.


PEGGY A. GREEN
UNITED STATES MAGISTRATE JUDGE